



General Assembly

February Session, 2006

**Substitute Bill No. 5265**

\* \_\_\_\_\_HB05265GAE\_\_\_\_041806\_\_\_\_\_\*

**AN ACT CONCERNING COMMUNITY ACCESS TELEVISION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Subsection (c) of section 16-331 of the general statutes is  
2       repealed and the following is substituted in lieu thereof (*Effective*  
3       *October 1, 2006*):

4       (c) (1) A representative of a community antenna television company  
5       issued a certificate of public convenience and necessity in accordance  
6       with this section shall, twice a year, arrange for and hold a meeting  
7       with the advisory council established, in accordance with regulations  
8       adopted by the department in accordance with chapter 54, for the  
9       franchise area served by such company. (2) The department shall  
10      designate an advisory council as an intervenor in any contested case  
11      before the department involving the community antenna television  
12      company which the council is advising. Such company shall provide to  
13      the chairperson of its advisory council a copy of any report, notice or  
14      other document it files with the department. If a community antenna  
15      television company fails or refuses to furnish adequate service to any  
16      customer, the advisory council for the franchise area served by the  
17      company may file a written petition with the department alleging the  
18      failure or refusal. The department shall hold a hearing on such petition  
19      and, not later than one hundred fifty days after receiving the petition,  
20      shall issue a written decision on the petition. The company shall

21 thereafter furnish service to the customer in accordance with the  
22 conditions prescribed under the department's decision. (3) Each  
23 community antenna television company shall, every six months,  
24 provide on bills, bill inserts or letters to subscribers, and shall  
25 prominently post in the company's primary subscriber service area  
26 and community access facility, a notice indicating the name and an  
27 address of the chairperson of the company's advisory council and  
28 describing the responsibilities of the advisory council. Each such  
29 company shall provide its advisory council with an opportunity to  
30 review such notice prior to distributing or posting the notice. (4) The  
31 department shall adopt regulations in accordance with the provisions  
32 of chapter 54 to establish a state-wide advisory council that shall assist  
33 local advisory councils in the performance of their functions and  
34 disseminate information to local advisory councils that is relevant to  
35 the interests of customers of community antenna television companies.

36 Sec. 2. Subsection (d) of section 16-331 of the general statutes is  
37 amended by adding subdivision (7) as follows (*Effective October 1,*  
38 *2006*):

39 (NEW) (7) Notwithstanding the provisions of this subsection, if at  
40 any time after the grant of an initial or renewal term of a franchise, the  
41 community antenna television company and the third-party nonprofit  
42 community access provider reach an agreement that a community  
43 antenna television company will provide a capital contribution to such  
44 provider in a mutually agreeable amount solely for the purpose of the  
45 upgrade or replacement of capital equipment, the Department of  
46 Public Utility Control shall grant a two-year extension of such  
47 franchise term, provided the community antenna television company  
48 commits to pass said capital contribution in subscriber rates. Such  
49 extension shall not be a contested case proceeding and shall be  
50 applicable to no more than one time per renewed franchise term.

51 Sec. 3. Subsection (f) of section 16-331 of the general statutes is  
52 repealed and the following is substituted in lieu thereof (*Effective*  
53 *October 1, 2006*):

54 (f) Each applicant for a certificate shall finance the reasonable costs  
55 of a community needs assessment, conducted by an independent  
56 consultant and developed jointly by the department, the Office of  
57 Consumer Counsel, the local advisory council and the applicant,  
58 which assessment shall analyze a community's future cable-related  
59 needs and, if applicable, shall provide the department with assistance  
60 in analyzing an operator's past performance, as defined in subsection  
61 (d) of [section 16-333/] this section. The department shall supervise the  
62 assessment and provide the independent consultant with the date  
63 upon which the assessment shall be completed and filed with the  
64 department. Such community needs assessment shall be conducted in  
65 lieu of the requirement in subdivision (12) of subsection (c) of section  
66 16-333-39 of the regulations of Connecticut state agencies. In its final  
67 decision, the department shall state the reasons for not implementing  
68 any key recommendations made in any such needs assessment. The  
69 provisions of this subsection shall not apply to a franchise area which  
70 is subject to effective competition, as defined in 47 USC 543, as from  
71 time to time amended, at the time the application is received by the  
72 department.

73 Sec. 4. Subsection (g) of section 16-331 of the general statutes is  
74 repealed and the following is substituted in lieu thereof (*Effective*  
75 *October 1, 2006*):

76 (g) Each certificate of public convenience and necessity for a  
77 franchise issued pursuant to this section shall be nonexclusive, and  
78 each such certificate issued for a franchise in any area of the state  
79 where an existing franchise is currently operating shall not contain  
80 more favorable terms or conditions than those imposed on the existing  
81 franchise. This subsection shall not apply to the length of the term of  
82 such certification as may be determined pursuant to subsection (d) of  
83 this section. A certificate may require a franchise to allow community  
84 access television interconnection with an existing or potential  
85 competitor franchise.

86 Sec. 5. Subsection (d) of section 16-331a of the general statutes is

87 repealed and the following is substituted in lieu thereof (*Effective*  
88 *October 1, 2006*):

89 (d) Each company or organization shall conduct outreach programs  
90 and promote its community access services. Such outreach and  
91 promotion may include, but not be limited to (1) broadcasting cross-  
92 channel video announcements, (2) distributing information throughout  
93 the franchise area and not solely to its subscribers, (3) including  
94 community access information in its regular marketing publications,  
95 (4) broadcasting character-generated text messages or video  
96 announcements on barker or access channels, (5) making speaking  
97 engagements, [and] (6) holding open receptions at its community  
98 access facilities, and (7) in multitown franchise areas, encouraging the  
99 formation and development of local community access studios  
100 operated by volunteers or nonprofit operating groups.

101 Sec. 6. Subsection (h) of section 16-331a of the general statutes is  
102 repealed and the following is substituted in lieu thereof (*Effective*  
103 *October 1, 2006*):

104 (h) Upon the request of the Office of Consumer Counsel or the  
105 franchise's advisory council, and for good cause shown the department  
106 shall require an organization responsible for community access  
107 operations to have an independent audit conducted at the expense of  
108 the organization. For purposes of this subsection, "good cause" may  
109 include, but not be limited to, the failure or refusal of such  
110 organization (1) to account for and reimburse the community access  
111 programming budget for its commercial use of community access  
112 programming facilities, equipment or staff, or for the allocation of such  
113 facilities, equipment or staff to functions not directly related to the  
114 community access operations of the franchise, (2) to carry over  
115 unexpended community access programming budget accounts at the  
116 end of each fiscal year, (3) to properly maintain community access  
117 programming facilities or equipment in good repair, or (4) to plan for  
118 the replacement of community access programming equipment made  
119 obsolete by technological advances. In response to any such request,

120 the department shall state, in writing, the reasons for its determination.

121 Sec. 7. Section 16-331a of the general statutes is amended by adding  
122 subsection (o) as follows (*Effective October 1, 2006*):

123 (NEW) (o) Each company or organization shall consult with its  
124 advisory council in the formation of a community access programming  
125 policy, the adoption of the community access programming budget  
126 and the allocation of capital equipment and community access  
127 programming resources.

128 Sec. 8. Section 16-331c of the 2006 supplement to the general statutes  
129 is repealed and the following is substituted in lieu thereof (*Effective*  
130 *October 1, 2006*):

131 Each community antenna television company, as defined in section  
132 16-1, as amended, shall annually contribute to the advisory council in  
133 its franchise area an amount not less than two thousand dollars [. An]  
134 and to the state-wide advisory council an amount not less than two  
135 hundred dollars. A local advisory council may at its option receive any  
136 or all of its funding through in-kind services of the community  
137 antenna television company. [Each] The state-wide advisory council  
138 and each local advisory council shall annually, on January thirty-first,  
139 provide the Department of Public Utility Control with an accounting  
140 of any funding or services received.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2006</i>	16-331(c)
Sec. 2	<i>October 1, 2006</i>	16-331(d)
Sec. 3	<i>October 1, 2006</i>	16-331(f)
Sec. 4	<i>October 1, 2006</i>	16-331(g)
Sec. 5	<i>October 1, 2006</i>	16-331a(d)
Sec. 6	<i>October 1, 2006</i>	16-331a(h)
Sec. 7	<i>October 1, 2006</i>	16-331a
Sec. 8	<i>October 1, 2006</i>	16-331c

***ET***      *Joint Favorable Subst.*

***GAE***      *Joint Favorable*